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| APPLICATION NO.        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------------|------------------|
| 10/718,822             | 11/21/2003  | Jan Chipchase        | 088245-1060               | 1339             |
| 23524                  | 7590        | 06/17/2008           | EXAMINER                  |                  |
| FOLEY & LARDNER LLP    |             |                      | PERUNGAVOOR, VENKATANARAY |                  |
| 150 EAST GILMAN STREET |             |                      |                           |                  |
| P.O. BOX 1497          |             |                      | ART UNIT                  | PAPER NUMBER     |
| MADISON, WI 53701-1497 |             |                      | 2132                      |                  |
|                        |             |                      |                           |                  |
|                        |             |                      | MAIL DATE                 | DELIVERY MODE    |
|                        |             |                      | 06/17/2008                | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/718,822             | CHIPCHASE, JAN      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Venkat Perungavoor     | 2132                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 April 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-77 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-77 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 4/21/2008 have been fully considered but they are not persuasive.

The Applicant argues one point regarding the rejection independent claim 1. The Applicant argues that Want fails to disclose the physical form factor being absent. Want describes the physical form factor see Page 374 "User ID". Where the tags are being added to ID cards, rings, watches, jewelry, etc...

### ***Claim Rejections - 35 USC § 102***

Claims 1-77 are rejected under 35 U.S.C. 102(b) as being anticipated by NPL to Want et al.(hereinafter Want).

Regarding Claim 1, 22, 71, Want discloses the receiving specifications of a virtual entity see Page 372 Par.3; receiving specifications of physical entity form factor see Page 373-374 "Augmenting Books and Documents" & Page 374 "User ID"; providing physical entity see Page 373; physical entity having form factor see Page 374 "Any number of user interface mechanism could be used' & "User ID", physical entity is employable in accessing virtual entity see Page 372 Par. 3.

Regarding Claim 2-11, 20-21, 24-28, 36, 38-46, 54, 56-61, 69, Want discloses the virtual entity being a service provided through RFID through a remote station see Page 371 Par. 5 & Par. 8.

Regarding Claim 12-19, 29-35, 47-53, 62-68, Want discloses the physical entity taking many forms including rings, watches, jewelry and cards see Page 374 "User ID".

Regarding Claim 37, 55, 70, Want discloses the memory and processing power see Page 371 System Overview; receiving specifications of a virtual entity see Page 372 Par.3; receiving specifications of physical entity form factor see Page 373-374 "Augmenting Books and Documents" & Page 374 "User ID"; providing physical entity see Page 373; physical entity form factor see Page 374 "Any number of user interface mechanism could be used" & Page 374 "User ID"; physical entity is employable in accessing virtual entity see Page 372 Par. 3.

Regarding Claim 72, 74, 77, Want discloses the receiving specifications of one or more physical entity cosmetic attributes see Page 375 "Augmenting Non-Document Objects: The Photo Cube".

Regarding Claim 73 and 76, Want discloses moving closer to a computer-like form see Page 374 "User ID".

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoov whose telephone number is (571)272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./  
Examiner, Art Unit 2132  
June 11, 2008

/Gilberto Barron Jr/  
Supervisory Patent Examiner, Art Unit 2132